

TASMANIAN RACING APPEAL BOARD

Appeal No 08 of 2023-24

Panel:	Mr Patrick O'Halloran (Chair)	Appellant:	Mr Anthony Darmanin
Adviser:	Mr Chris Taylor		
Appearances:	Mr Bruce Free (on behalf of the Stewards)	Rules:	AR 131(a) Careless riding
Heard at:	Conference Room Office of Racing Integrity Prospect Government Offices 171 Westbury Road Prospect TAS	Penalty:	Suspension of 2 Tasmanian race dates
Date:	2 November 2023	Result:	Upheld

REASONS FOR DECISION

1. The appellant was the jockey riding Gee Gee Queen Bee in Race 6 [Ladbrokes Bet Ticker BM76 over 1100 meters] held on 6 October 2023 at the Tasmanian Turf Club.
2. Following an inquiry into his ride Stewards found that the appellant had breached AR 131(a). This rule provides:

A rider must not, in the opinion of the Stewards:

(a) Engage in careless.....riding

3. The particulars of the charge – as so provided within the initial inquiry – were that the appellant:

'.....in Race 6 allowed your mount to shift in after the winning post resulting in GEE GEE PLANE, ridden by Troy Baker, clipping heels and severely checking, losing its ground'.

4. The appellant plead not guilty to the charge. Following the inquiry, he was found guilty, and his licence to ride in races was suspended for two Tasmanian race dates.
5. Within the inquiry – in determining penalty - Stewards provided that:

'we did take into account that there is minimal contribution by Mr Radley. We also took into account your plea and your record in relation to this, these offences under this Rule. And we also took into account that it's a mid-range interference. On this occasion we do believe two Tasmanian race dates is the appropriate penalty'.

6. Within his Notice and Grounds of Appeal, against conviction and penalty, the Appellant submitted:

' I don't believe my mount 'GEE GEE QUEEN BEE' (in yellow silks) has shifted at all. In my opinion and observation of film footage that the incident was initiated by 'WARICA' (Jackson Radley in red cap) bumping 'GEE GEE PLANE' (Troy

Baker) on Troy's left side which forced Troy's mount out into my lane behind my horse making contact to my horse's hind quarters'

7. As so often occurs in appeals of this type, the issues sought to be agitated by the appellant within their submissions to the Board were directed toward the relevant portion of the race measured in seconds. Within this finite and extracted piece of racing the submissions were directed toward a review of the riders within the appellant's immediate proximity and their level of contribution (if any) to the Appellants' actions (or reactions) at the time it was said the Appellant was engaged in careless riding.
8. As he did within the initial inquiry the Appellant maintained to this Board that – in consideration of all circumstances of that race at that time - he had kept his mount as straight as he possibly could.
9. He further relied on the evidence given by other riders within the Stewards inquiry namely:
 - a. Troy Baker: who in response to questioning from Stewards initially provided that he did not believe that the appellant had shifted in at all, or if there had been a shift it was marginal before he was pressured out and then entered the turn;
 - b. Kelvin Sanderson: who provided '*I'd say it's a riding incident. Jackson's (Radley) taken a neat run between Troy and the horse on the, the other Gee Gee horse on the inside. He's actually copped a bump off the other horse on the inside which has actually given a bump on to, pushed him out onto Troy's lane a bit. Bit of buffeting. They've bumped and that's put him out on to Troy (Baker)'*.
10. In regard to penalty the appellant submitted that taking this racing incident at it's highest and its consequent effect on other riders – that the carelessness of this type warranted only a reprimand.
11. It was submitted by Mr Free on behalf of the Stewards that the charge had been properly laid after careful consideration of all relevant evidence to them within their inquiry. Their submissions to the Board included the relevance of the shift occurring from the outside and that any shift by rider Jackson Radley had been minor.
12. In regard to penalty Mr Free submitted that this riding was properly considered a mid range example of careless riding - with a significant factor in supporting such classification being the resultant effect of clipping heels. The penalty imposed was also properly informed by the appellant's not guilty plea.
13. As was reasonably expected in support of their respective positions both parties placed significant reliance on the race film footage. The Board had available to it the film of the race and the assistance of advice from adviser Mr Chris Taylor. The race film footage (taken from all angles) of the relevant portion of the race was carefully considered.
14. Having considered the submissions of the parties, the race film and the advice of the adviser the Board is not comfortably satisfied that the particularised portion of riding was an incident involving careless riding.
15. The appeal against conviction is upheld – and the orders of the Stewards are quashed per s 34(1)(a) *Racing Regulations Act 2004*. (As such there remains no need to further consider or determine or the related appeal against penalty).
16. As the decision of the Stewards has been quashed, the Board orders pursuant to ss 34(2)(e) of the *Racing Regulation Act 2004*, that the appellant's prescribed deposit be refunded in full.

DATED: 2 OCTOBER 2024